

State of Minnesota

District Court  
Probate Division

County of \_\_\_\_\_

Judicial District: \_\_\_\_\_

Court File No. \_\_\_\_\_

Case Type: 14, Conservatorship

In Re: ☐ Guardianship  
☐ Conservatorship of  
\_\_\_\_\_

Order Appointing:  
☐ Guardian  
☐ Conservator

\_\_\_\_\_

This matter came on for hearing before the district court on \_\_\_\_\_ on a petition seeking appointment of ☐ a Guardian ☐ Conservator for the Respondent named above. Petitioner appeared personally with the Petitioner's attorney, \_\_\_\_\_. The Respondent appeared personally with Respondent's attorney, \_\_\_\_\_. The matter, having been considered by the Court, and the Court being duly advised in the premises now makes the following:

### FINDINGS OF FACT

1) FINDING OF INCAPACITY:

☐ **Guardianship**: (i) The Respondent is incapacitated with regard to the person because Respondent is impaired to the extent of lacking sufficient understanding or capacity to make or communicate responsible decisions concerning Respondent's personal needs for medical care, nutrition, clothing, shelter or safety. The Respondent's inability is reflected by the following facts: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

and (ii) the Respondent has demonstrated behavioral deficits evidencing inability to meet Respondent's needs for medical care, nutrition, safety and shelter. The Respondent's inability is reflected by the following facts: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

☐ **Conservatorship**: (i) The Respondent is unable to manage property and business affairs because of an impairment in the ability to receive and evaluate information or make decisions, even with the use of appropriate technological assistance. The Respondent's inability is reflected by the following facts: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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and (ii) the Respondent has property which will be dissipated without proper management and funds are needed for the support, care, education, health, and welfare of the Respondent or of individuals who are entitled to the individual's support and that protection is necessary or desirable to obtain or provide money. This conclusion is supported by the following facts: \_\_\_\_\_

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- 2) No appropriate alternative to guardianship or conservatorship exists that is less restrictive of Respondent's civil rights and liberties including the use of appropriate technological assistance and including a protective arrangement under M.S. § 524.5-412.
- 3) The Respondent is incapable of exercising the following rights and powers:

- ☐ All of the rights and powers under ☐ M.S. § 524.5-313 subd.(c) for a Ward,  
☐ All of the rights and powers under M.S. § 524.5-417 subd. (c) for a protected person.

A limited guardianship or conservatorship is not appropriate because \_\_\_\_\_

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***(If the Ward or Protected Person is capable of performing some but not all powers and duties, specify which powers and duties CANNOT be performed by the Ward or Protected Person.)***

- ☐ To establish the place of abode within or without the State;  
☐ To provide for the Respondent's care, comfort and maintenance needs;  
☐ To take reasonable care of the Respondent's clothing, furniture, vehicles and other personal effects;  
☐ To give any necessary consent to enable, or to withhold consent for, the necessary medical or other professional care, counsel, treatment or service;  
☐ Exercise supervisory authority over the Respondent;  
☐ To pay reasonable charges for the support, maintenance, and education of the Respondent in a manner suitable to the Respondent's station in life and the value of Respondent's estate;  
☐ To pay out of the Respondent's estate all just and lawful debts of the Respondent;  
☐ To possess and manage the estate of the Respondent, collect all debts and claims in favor of the Respondent, or to compromise them, institute suit on behalf of the Respondent, or invest Respondent's assets not currently needed for debts, charges, and management of the estate;

- ☐ Exchange or sell an undivided interest in real property;
- ☐ To approve or withhold approval of any contract, except for necessities, which the Respondent may make or wish to make; and
- ☐ To apply on behalf of the Respondent for any assistance, services, or benefits available to the Respondent through any unit of government.
- ☐ (other) \_\_\_\_\_

- 4) The Respondent is (☐ not) a patient of a State Hospital for the mentally ill or a developmentally delayed person or dependent or neglected ward of the Commissioner of Human Services, or under the temporary custody of the Commissioner of Human Services.
- 5) The Respondent is in need of a  
☐ guardian to protect Respondent's person,  
☐ conservator to protect Respondent's estate.
- 6) a. ☐ The Respondent appears to understand the nature and effect of voting and maintains the right to vote.  
b. ☐ The Respondent does not appear to understand the nature and effect of voting and Respondent's right to vote is revoked. The basis for this is as follows:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- 7) The Court finds that the:  
a. ☐ Guardian is the most suitable and best qualified among those available and willing to discharge the trust and is not excluded from appointment pursuant to M.S. § 524.5-309(c) or such Guardian has been approved by prior Order of a court pursuant to M.S. § 524.5-302(d);  
b. ☐ Conservator is the most suitable and best qualified among those available and willing to discharge the trust and is not excluded from appointment pursuant to M.S. § 524.5-413(d).

### CONCLUSIONS OF LAW

- 1) The Respondent is an incapacitated person whose needs cannot be met by less restrictive means.
- 2) The following should be appointed:  
☐ A Guardian of \_\_\_\_\_;  
☐ A Conservator of \_\_\_\_\_.

### ORDER

NOW, THEREFORE, IT IS ORDERED:

- 1) That: ☐ \_\_\_\_\_, is hereby appointed Guardian of \_\_\_\_\_;  
☐ \_\_\_\_\_, is hereby appointed Conservator of \_\_\_\_\_.

- 2) That: ☐ letters of Guardianship shall issue to \_\_\_\_\_ upon the filing of an acceptance of appointment and such letters shall reflect that the Guardian is appointed by the Court.  
☐ letters of Conservatorship shall issue to \_\_\_\_\_, upon the filing of an acceptance of appointment.

- 3) Appointment of powers and duties:

☐ **The Guardian shall have the power and duty to:**

- ☐ Exercise all of the rights and powers on behalf of the Ward under M.S. § 524.5-313 subd.(c) paragraphs 1, 2, 3, 4, 5, 6 and 7. A limited guardianship is not appropriate because \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*(If the Guardian is granted limited powers and duties, specify which powers and duties are vested in the Guardian by this Order.)*

- ☐ Have custody of the Ward and establish the place of abode for the Ward within or without the State, M.S. § 524.5-313 (c)(1);  
☐ Provide for the Ward's care, comfort and maintenance needs, M.S. § 524.5-313 (c)(2);  
☐ Take reasonable care of the Ward's clothing, furniture, vehicles and other personal effects, M.S. § 524.5-313 (c)(3);  
☐ Give any necessary consent to enable, or to withhold consent for, the Ward to receive necessary medical or other professional care, counsel, treatment or service, M.S. § 524.5-313 (c)(4);  
☐ Approve or withhold approval of any contract, except for necessities, which the Ward may make or wish to make (*only given if no conservator is appointed*), M.S. § 524.5-313 (c)(5);  
☐ Exercise supervision authority over the Ward, M.S. § 524.5-313 (c)(6);  
☐ Apply on behalf of the Ward for any assistance, services, or benefits available to the Ward through any unit of government, M.S. § 524.5-313 (c)(7);  
☐ (other) \_\_\_\_\_  
\_\_\_\_\_

and to exercise all other powers, duties and responsibilities conferred on the Guardian under applicable law.

☐ **The Conservator shall have the power and duty to:**

- ☐ Exercise all of the rights and powers under M.S. § 524.5-417 subd. (c) paragraphs 1, 2, 3, 4, 5 and 6. A limited conservatorship is not appropriate because \_\_\_\_\_

***(If the Conservator is granted limited powers and duties, specify which powers and duties are vested in the Conservator by this Order.)***

- ☐ Pay reasonable charges for the support, maintenance, and education of the Protected Person in a manner suitable to the Protected Person's station in life and the value of the Protected Person's estate, M.S. § 524.5-417(c)(1);
- ☐ Pay out of the Protected Person's estate all lawful debts of the Protected Person, M.S. § 524.5-417(c)(2);
- ☐ Possess and manage the estate of the Protected Person, collect all debts and claims in favor of the Protected Person, or with the approval of the court compromise them, institute suit on behalf of the Protected Person and represent the Protected Person in court proceedings, and invest pursuant to M.S. § 48A.07(6) and 501B.151 all funds not currently needed for debts, charges, and management of the estate, M.S. § 524.5-417(c)(3);
- ☐ Exchange or sell an undivided interest in real property, M.S. § 524.5-417(c)(4);
- ☐ Approve or withhold approval of any contract, except for necessities, which the Protected Person may make or wish to make, M.S. § 524.5-417(c)(5);
- ☐ Apply on behalf of the Protected Person for any assistance, services, or benefits available to the Protected Person through any unit of government, M.S. § 524.5-417(c)(6); and
- ☐ (other) \_\_\_\_\_

and to exercise all other powers, duties and responsibilities conferred on the Conservator under applicable law.

- 4) The conservator shall file a bond in the amount of \$\_\_\_\_\_.
- 5) That the court appointed attorney for the Ward / Protected Person, is hereby discharged.
- 6) That the Ward's right to vote is ☐ retained ☐ revoked until further order of the court.

Order Recommended by:

\_\_\_\_\_  
Referee of District Court      Date

\_\_\_\_\_  
Judge of the District Court      Date